Supreme Court, U. S.
FILED
JUN 30 1980
MICHAEL RODAK, JR., CLERK

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1980

No. 79-2055

(U.S.C.O.A., 3rd Ct. Civil Case No. 80-1474)

NICHOLAS MAZUR, Petitioner and Appellant,

vs.

Commonwealth of Pennsylvania, Department of Transportation, Civil Service Commission, Governor's Office of Administration, and American Federation of State, County, & Municipal Employees Union(AFSCME).;

Respondent(s) and Defendant(s);

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT, BEFORE JUDGMENT.

Nicholas Mazur, Pro se

Counsel for the Petitioner
819 N. 21st Street,
Allentown, Pa. 18104
215-433-1587

IN THE SUPREME COURT OF THE UNITED STATES

June 26,1980
819 N. 21st Street,
Allentown,Pa. 18104
215-433-1587.

Michael Rodak, Clerk of Court
Office of the Clerk,
United States Supreme Court
1 First Street, N.E.,
Washington, D.C. 20545.

Re: NICHOLAS MAZUR, APPELLANT,, vs. COMMONWEALTH OF PENNSYLVANIA, ET AL; and, AMERICAN FEDERATION OF STATE,COUNTY & MUNICIPAL EMPLOYEES UNION(AFSCME). APPELLEES.
October Term_____. Case No_____
(U.S.C.O.A. (3rd. ckt.) Civil case No. 80-1474.)

Dear Mr Rodak:

Attached, you will find an original and forty(40) copies of briefs for "PETITION FOR WRIT OF CERTIORARI, BEFORE JUDGMENT" in the United States Court of Appeals, for the Third Circuit, in accordance to Rules 12 and 30 of the Supreme Court Rules.

By copy of this letter, I am serving my petition, to the Appellees legal advisors and representatives(three copies each)., concerned with captioned matter.

I am enclosing my personal check for One hundred dollars, to cover cost of filing fee.

Under Supreme Court rule 47 and 28 U.S.C. §1916 ,§1925, a Veteran suing to establish reemployment rights under 38 U.S.C. §2022, or under similar provisions of law exempting veterans from payment of fees or court costs. Your cooperation on said matter would be appreciated.

Yours very truly,

Nicholas Mazur

Nicholas Mazur, Appellant, Pro se

IN ANY COURT OF THE UNITED STATES
Veteran's and Seaman's Cases

Complaint for relief of Payment of Court Fees, or Court costs, Typing, duplicating and/or zerox copy services.

Jurisdiction

Jurisdiction of the court is invoked under Title 28 U.S.C. § 1915 & § 1916, and Supreme Court Rule 46 and 47, providing for relief of court costs to a Veteran seeking or suing for reemployment, which in this case, is the Commonwealth of Pennsylvania.

Case In Question

NICHOLAS MAZUR, PETITIONER AND APPELLANT, vs. Commonwealth of Pennsylvania, Department of Transportation, Civil Service Commission, Governor's Office of Administration, and, American Federation of State, County, and Municipal Employees(AFSCME). Appellees and Defendants : U.S. Supreme Court October Term,1980 : Case No._____ (U.S.C.O.A.(3rd ckt.) Civil ase 80-1474.)

I Nicholas Mazur, Petitioner, Pro se, am filing A"PETITION OF WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS for the Third Circuit before Judgment.

CERTIFICATION OF SERVICE

Petitioner, NICHOLAS MAZUR, Military Service No. 885660, served with the United States Marine Corps during the following periods 8-5-43 to 6-28-46 and 2-1-48 to 3-22-51. The foregoing is true, and correct, to which I certify, and attach my Honorable Discharge records, hereto.

Signed By:

Nicholas Mazur

Nicholas Mazur, Petitioner
819 N. 21st Street,
Allentown, Pa. 18104
215-433-1587

Date: June 25, 1980

BRUCE [illegible], NOTARY PUBLIC
ALLENTOWN, LEHIGH COUNTY
MY COMMISSION EXPIRES NOV. 15, 1982
Member, Pennsylvania Association of Notaries

IN THE SUPREME COURT OF THE UNITED STATES
October Term, _____
Case No._____
(U.S.C.o,A. (3rd Ct) Civil Case No. 80-1474)

NICHOLAS MAZUR,
PETITIONER AND APPELLANT,

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, CIVIL DERVICE COMMISSION, GOVERNOR'S OFFICE OF ADMINISTRATION, and, AMERICAN FEDERATION OF STATE, COUNTY, & MUNICIPAL EMPLOYEES UNION (AFSCME).
RESPONDENTS AND DEFENDANTS.

BRIEF FOR THE PETITIONER FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS for the THIRD CIRCUIT BEFORE JUDGMENT.

AND NOW, I, NICHOLAS MAZUR , Petitioner and Appellant, Pro se, prays that a writ of certirorari issue to review that order of the United States Court of Appeals, for the Third Circuit, made and entered in the above entitled cause , on June 10,1980.

Richard Thornburgh, Governor
Frank A. Fisher, Asst. Atty. General
Barbara G. Raup, " " "
Edward G. Biester, Attorney General
Ward T. Williams, Chief Counsel
Attorneys/Reperesentatives
for the Respondents;Commonwealth of Pennsylvania,Department of Transportation, Civil Service Commission, and Governor's Office of Administration.
Office of Chief Counsel, T&S Bldg., Harrisburg, Pa. 17120

(and) Richard Kirschner,Esq.
Jonathan K. Walters, Esq.
Attorneys for Respondents, American Federation,State, County, & Municipal Employees Union(AFSCME).
1500 Walnut Street, Philadelphia, Pa. 19102

(and)

T.F. Quinn, Clerk
United States Court of Appeals, for the Third circuit, 214000 U.S. Courthouse, 601 Market St;,Phila.,Pa.19106

IN THE SUPREME COURT OF THE UNITED STATES
October Term_____
Case no._____
(U.S.C.O.A. (3rd ckt.) Civil case no. 80-1474.)

TABLE OF CONTENTS

Description	Page
Transmittal Letter	i
Title Page	1
Table of Contents	2
Statement of the Case	3
Jurisdiction	4
Questions presented	5,6,7,& 8
Statutes,Cases ,and Rules(Authority)	9 & 10
Reasons for Granting Writ	11,12 & 13
Conclusion	14
APPENDIX:	
A- Order-(U.S.C.O.A.(3rd ckt.) June 10,1980	15 & 16
B- Letter(U.S.C.O.A.(3rd ckt.) April 7,1980	17
C- Letter(U.S.C.O.A.(3rd ckt.) May 21,1980	18
D- Letter(U.S.C.O.A.(3rd. ckt.)June 23,1980	19
Notice of Appearance	20
Proof of Service	21

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1980.

U.S.C.O.A.(3rd. Ct.) Civil Case No. 80-1474

STATEMENT OF THE CASE - Facts

Appellant, Nicholas Mazur, sets forth the salient facts of this case because of the Judicial discretion has so far departed from the accepted and usual course of Judicial proceddings, as to call for an exercise of this Court's(Supreme) power of supervision and decided a Federal question, in a way, in conflict with the applicable decisions of the Court.

The case is of such imperative Public importance, as to justify the deviation from normal Appellate processes and to require immediate settlement in the Supreme Court of United States.

1.(Carter vs. Carter Coal Co. , 298 U.S. 238(1936), Brown vs.Board of Education and Bolling vs. Sharpe.).

2.U.S. Constitutional Amendment V, Pl163).

3. U.S. Constitutional Amendment I

4. U.S. Constitutional Article III

5. 28 U.S.C. § 1343; 28 U.S. C. § 1653; 28 U.S.C. § 2101 (e).

6. Mayo vs. Lakeland Canning Co, 309 U.S. 310 (1936).

7.Ex Parte- Quinn , 317 U.S. 1 (1942).

8.Railroad Retirement Board vs. Alton R. Co.295 U.S. 330 (1935).

9.Rieckert Rose Mills vs. Fontenot , 297 U.S. 110 (1936).

10. U.S. vs. Mine Workers 330 U.S. 258 (1947).

Vachon vs. New Hampshire (1974), 414 U.S. 478.

IN THE UNITED STATES SUPREME COURT
OCTOBER Term, L980
Case no._____
(U.S. C.O. A. Third Circuit Civil case No.80-1474)

STATEMENT OF SUBJECT MATTER JURISDICTION

This a petition for a writ of certiorari to the United States Court of Appeals, Third Circuit, from the order dated June 10,1980, overruling a motion for default and relief.

Jurisdiction of the Court is invoked under Title 28,U.S.C. § 1254(1), providing for a writ of certiorari upon the petition of any party before rendition of judgment, by the United States Court of Appeals, for the Third Circuit.

Also applicable : 28 U.S.C. § 2101(d).; Mayo v. Lakelands Canning Co., 309 U.S. 310(1940); U.S. vs. Corrick, 298U.S. 435(1935); Vachon Vs. New Hampshire(1947) 414, U.S. 478,38 L.Ed..2d 666,94S. Co. 644.

IN THE SUPREME COURT OF THE UNITED STATES
October Term_____
Case No._____
(U.S.C.O.A. (3rd Ckt. Civil Case #80-1474.)

QUESTIONS PRESENTED

The questions presented, which were incorrectly and/or subject to judicial review, resolved by the United States Court of Appeals, for the Third Circuit, were:

1.Whether the Respondent's failure to file their brief within the thirty days, after receipt of the Petitioner's brief, mailed on April 16,1980 in accordance with U.S.C.O.A.,Letterof April 7, 1980, Rules 11(a) & 31(a) Appellate rules, were in default.

2. Whether the Respondent's failure to file a notice of appearance, in accordance with U.S.C.O.A. letter of April 7,1980 request to file within ten days and governing Rule 9, were in default.

3. Whether the Respondent's failure to respond to the the Contents of Appendix and Statement of Issues filed by the Petitioner on April 14, 1980, within the ten days(Rule 30(b).), were in default.

4.Whether the Respondent's reasons, noted in the following paragraph's, of this series of questions, were excusable, considering the large staff and facility ability of the Respondent's representative agencies, as compared, to the Petitioner's, Pro se, without counsel and money(s) to cope with the respondent's sources. The Reasons were as Follows:

IN THE SUPREME COURT OF THE UNITED STATES
October Term_____
Case No._____
(U.S.C.O.A. (3rd Ckt.) Civil Case No. 80-1474.)

(P-2 Questions Presented (cont'd.):-

1. These Appellees have made no previous request for an extension of time.

2.Counsel for these Appellees are responsible for a large case load of Civil Service and Labor litigation in the Commonwealth of Pennsylvania.

3.Counsel, because of these matters have had scheduled many hearings during May and June.

4.Counsel for Appellees AFSCME has been contacted and has no objection to the request.

5.The Pro se Appellant, Mr Nicholas Mazur, has been contacted and he objected to this request.

6.The extension requested is not lengthy and shpuld not delay this action unduly.

7.While this matter was before the District Court, these Appellees had granted the Appellant an extension of some five weeks to file a response to their Motion to Dismiss.

8. No other party will suffer prejudice by reason of the requested extension.

9.Mr Walters is anxious to complete the preparation of this brief and submit it for the Court's consideration, and will be able to do so, if this court will grant an extension of time in which to file brief until June 3,1980.

IN THE SUPREME COURT OF THE UNITED STATES
October Term_____
Case NO_____
(U.S.C.O.A. (3rd . Ckt.) Civil Case No.80-1474).

(Question Presented -Cont'd.):-P3

10.Frank Fischer , Esquire, counsel for the Appellees has no objection to this request.

11. Nicholas Mazur, pro se , has been contacted and has expressed his objection , to this request.

12.Jonathan K. Walters, Esquire, the attorney in charge of this case was in the process of preparing the brief, for submission to the Court , in a timely manner. April 24, 1980, Mr Walters was advised of a death in his family, and has had to spend the past two weeks devoting a substantial portion of his time , to his family,

13. In January , 1980, Appellees had pending , before the United States District Court for the Eastern District of Pennsylvania, Motions to Dismiss this matter. At the time, that said Motions to Dismiss were being considered by the United States District Court for the Eastern District of Pennsylvania, Nicholas Mazur, requested an extension of time , in light of the fact that he was hospitalized.

14. Counsel for the Appellees had no objection to Mr Mazur's request , for an extension of time, in which to respond to Appellee's Motion to Dismiss then pending in the United States District Court for the Eastern District of Pennsylvania.

15. Whether the charges , by the Petitioner,Nicholas Mazur, against Appellees Counsel Jonathan Walters, of conduct unbecoming a member of the bar, under rule 46(b) ,was ignored by the Court due to pre-

IN THE SUPREME COURT OF THE UNITED STATES
October Term_____
Case No._____
(U.S.C.O.A. (3rd ckt.) Civil Case no. 80-1474.)

(p4-Questions presented-cont'd.):

judice and discrimination actions, which were serious enough to be influencial in the United States Court of Appeals, for the Third Circuit.

15.Whether the suspected prejudice and discrimination influenced the Court's consideration of Rule 11(a) and not any of the supplementary/complementary rules, e.g. Rule 31(a) and Rule 30(b)., in ruling no default, three times and denying of relief to the Petitioner, Nicholas Mazur.

IN THE SUPREME COURT OF THE UNITED STATES
October .Term_____
Case No._____

AUTHORITIES

P-1 STATUTES, CASES, AND RULES INVOLVED

Statute(s):-	Page
U.S. Constitution Amendment- Article III	3
U.S. Constitutional Amendment I	3,& 11
U.S. Constitutional Amendment V	3, & 11
28 U.S.C. § 1343	3
28 U.S.C. § 1254(1)	4
28 U.S.C. § 1653	3
28 U.S.C. § 2101(e)	3 & 12
28 U.S.C. § 2101(d)	4

CASES:-

Bolling vs. Sharpe	3
Brown vs. Board of Education	3.& 14
Carter vs. Carter Coal Co.298 U.S. 238 (193¢)	3 & 13
Commonwealth Court vs. U.S. Court of Appeals	11
Dameron vs. Brodhead, 345 U.S. 322, 72 Ct. 721, 971 L.ed.1941(1963).	3 & 14
Ex Parte- Quinn 317 U.S. 1(1942)	3
Hawley vs. Hawley 114 F.2d,505, 72 App'd. 35	11
In Re Michigan-Ohio Bldg. Corp.117 F.2d 191	11
In Re Prindible,115 F.2d 191,2St at large 84,244	11

IN THE SUPREME COURT OF THE UNITED STATES
October Term_____

Case No_____

AUTHORITY

P-2 (Statutes, Cases & Rules -cont'd.):-

Cases:-	Page
Maria Martin, 79 U.S. 31,12 Wall31,20 L.2d s51	11
Mayo vs. Lakeland Canning Co.309 U.S.C.310(1936).	3 & 4
Railroad Retirement Board vs. Alton R.Co.295, U.S. 330 (1935).	3
Rieckert Rose Mills vs. Fontenot 297 U.S.110(1936).	3
Terry vs. Adams 345 U.S. 461, 72,S.Ct899,97 L.ed 1152 (1952).	14
U.S. vs. Bankers Co. 294 U.S. 246 (1935)	12
U.S. vs. Corrick, 298 U.S. 435 (1935)	4
U.S. vs. Mine Workers 330 U.S. 258(1947)	3
Vachon vs. New Hampshire(1974) 414 U.S. 478	3 & 4

Rules:	Page
11(1)	5,8 & 12
18	12
27	13
30(b)	5,8 & 12
31(a)	5,8, & 12
46(b)	7

IN THE SUPREME COURT OF THE UNITED STATES
October Term_____
Case No_____
(U.S.C.O.A. (3rd. ckt.) Civil case No. 80-1474.)

REASONS FOR GRANTING WRIT

1. Petitioner, Nicholas Mazur, Pro se, prays that the Court will grant his petition of writ of certiorari, before judgment in the United States Court of Appeals , for the Third Circuit, by order of June 10,1980, denying me the motion of default and relief, on three citations, as noted in the "Questions" section of this brief. (see In Re Prindible, 115 F.2d 21, 2 St at Large 84,244; In Re Michigan -Ohio Bldg. Corp.117 F.2d 191; Maria Martin, 79 U.S.31, 12 Wall 31,20 L. 2d s51; and, Hawley vs. Hawley,114 F.2d,505,72 App D.d.35).

The granting of the writ would be in the interest of the Petitioner, as well as the Nation, because of the order, June 10,1980(see Appendix A), by the United States Court of Appeals, for the third circuit, sets a precedence in the contradiciton of Judicial processes of the Courts. Courts have recognized "discrimination" may be unjustifiable as to violation of due processes.(U.S. Amendment 5, P1165).(see ruling of Commonwealth Court vs. U.S. Court of Appeals).

2. The Appellees seek to receive the compassion of the court, by noting the death in the family, in the early response period, of one of the Seven assigned Appellees legal counsel, not taking into consideration the resources that back them up; while on the other

IN THE SUPREME COURT OF THE UNITED STATES
October Term_____
Case No_____

(Reasons-cont'd.)P-2

hand, the ,Petitioner, Pro se, has no facilities, counsel, or back-up, to rely on; yet, the Appellees denied the Petitioner,an extension of time to file, in the Commonwealth Court of Pennsylvania. Taking the over-played compassioned,plea, which is subject to question as to the allowable time, to attend to such matters, the Appellee's excuses are nothing but rhetoric, much less excusable.

3.The order of the Court, did not take into account, the number of defaults(3), involved, both in the early period of the "compassioned" plea period, entered in, by one of the legal consels, of the Appellees seven assigned counsel. The court gave no excusable reason, upon which the order was given.A letter issued by the Court, April 7,1980, (see Appendix B) noting filing times and Counsel Appearance requirements(Rule (9), and for Filing Rule 30(a) and 31, F.R.A.P. The petitioner in making his motion of default and relief, noted the Rules governing the time elements.The United States Court of appeals for the Third Circuit issued a letter May 21,1980(see Appendix C)stating judicial review would be in accordance to Rule 11(1), upon which the final order, in question , was generated. An obvious error in due process is hereby, pointed out to your court and for the record,to the Nation, which would set a precedent in judicial processes, if allowed to go unchallenge.(see Rule 18,;28 U.S.C. §2101(e); United States vs. Bankers Trust Co..294 U.S. 240(1935) -(cont'd.)

(Reasons (cont'd.)P-3:-

Carter vs. Carter Coal Co. 298 U.S. 238 (1936) ,re: Brown vs. Sharpe, and Brown vs. Board of Education, and, U.S. amendment 5, P1165- "Court recognized discrimination may be injustifiable as to violation of due processes).

Discrimination and prejudice, if gross enough, is equivalent to confirmation and subject under the fifth amendment to challenge and annulment.

6. PETITIONER FILE CHARGES, under Appellate procedural rules46(b), which incorporate " Conduct unbecoming a member of the Bar" of one, Jonathan K. Walters, Appellees counsel of threats of reprisals against the Petitioner, if an extension of time would not be given to him. The court took no action in their order, of said account.

7. The only means for the protection of the petitioner from injury during this court's action(s), is the immediate action, by this court, to preserve the status quo(see Appendix D- U.S. Court of Appeals , for the Third Circuit's letter of June 23,1980.). By such action, this Court will also protect its jurisdiction to deal with all the issues, presented in this case.(Rule 27, infra.).

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1980
Case No. _____

CONCLUSION

For the foregoing reasons, it is respectfully submitted:

1. This petition for a writ of certiorari should be granted. (See below)

2. This case should be scheduled , for judicial review, by the Supreme Court, at the earliest practical time, if possible, in the up-coming October Term.

3. An order should be issued , which would preserve the status quo, and protect the petitioner from un-repairable injury, pending final decision of this Court.

Additional reasons for granting Writ

a. Dameron vs. Brodhead, 345 U.S. 322, 73 S.Ct.721,97 L.ed 1941(1963).

b. Terry vs. Adams 345 U.S. 461, 73 S. Ct899. 97L.ed 1152(1953).

c. See Appendix "D"- June 23, Ltr.(U.S.C.O.A.(3rd. ckt.).)

For the reasons set forth above, it is respectfully submitted that this petition for a writ of certiorari, before judgment, be granted.

Nicholas Mazur

NICHOLAS MAZUR, PETITIONER_PROse

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
INDEPENDENCE MALL WEST
601 MARKET STREET
PHILADELPHIA 19106

THOMAS F. QUINN
CLERK

TELEPHONE
215-597-2995

June 10, 1980

Re: Mazur, Nicholas, Appellant vs. Commonwealth of Pennsylvania, Department of Transportation, Civil Service Commission, Governor's Administration Office, and American Federation of State, County and Municipal Employees Union (AFSCME)

No. 80-1474

Dear Counsel:

Enclosed herewith is conformed copy of order entered by the Court today in the above-entitled case.

Very truly yours,

T. F. Quinn, Clerk

FM:ds
Enclosure
Copies to all parties

APPENDIX "A" SHEET 1 Of 2

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 80-1474 May 30, 1980

MAZUR, NICHOLAS, Appellant

vs.

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, CIVIL SERVICE COMMISSION, GOVERNOR'S ADMINISTRATION OFFICE, AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES UNION (AFSCME)

(D. C. Civil No. 79-4072)

Present: GIBBONS, WEIS and SLOVITER, Circuit Judges.

1. Motion by appellee, American Federation of State, County and Municipal Employees Union, for extension of time to file brief to June 3, 1980, in which it states that counsel for appellees, Commonwealth of Pennsylvania, et al., has no objection to this request,

2. Motion by appellees, Commonwealth of Pennsylvania, Department of Transportation, Civil Service Commission and Governor's Administration Office, for leave to extend time to file brief to June 4, 1980, in which it states that counsel for appellee, AFSCME, has no objection to the request,

3. Appellant's motion to quash Appellees' Motions for extension of time for filing briefs, in which it states that appellant requests under Rules 34(a)(3) and 34(e) that relief requested on page 4 of appellant's brief be granted and for Judgment by Default,

4. Appellant's "Motion for Relief",

in the above listed for Monday, June 9, 1980, or as the Court decides.

Respectfully,

Clerk

enc.
fm

The foregoing Motion(s) is/are 1 and 2 are granted. appellant's motions, 3 and 4 are denied

APPENDIX "A" Sheet 2 of 2

By the Court,

Judge

Dated: June 10, 1980

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
THOMAS F. QUINN
CLERK
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
INDEPENDENCE MALL WEST
601 MARKET STREET
PHILADELPHIA 19106
TELEPHONE
215-597-2995

Nicholas Mazur
819 North 21st Street
Allentown, PA 18104

April 7, 1980

Re: MAZUR, NICHOLAS,
Appellant.
vs.
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, CIVIL SERVICE COMMISSION, GOVENOR'S ADMINISTRATION OFFICE, AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES UNION (AFSCME)
(D.C. Civil No. 79-4072) -215-592-7272
No. 80-1474

Dear Mr. Mazur:

The above-entitled case was docketed in this Court at No. 80-1474 , and the record on appeal filed today.

The Statement of the Contents of the Appendix and Statement of issues presented are to be furnished to the appellee within ten (10) days from this date (see Rule 30 (b) of Federal Rules of Appellate Procedure); the brief for appellant and the appendix are to be filed and served within forty (40) days from this date (see Rules 30(a) and 31 of F.R.A.P.).

Very truly yours,

T. F. Quinn

T. F. Quinn, *Clerk* jj

jj:
Appearance: Enclosure

cc: Frank A. Fisher, Jr., Esq.
Asst. Attorney General
Office of the General Counsel
Dept. of Transportation
Harrisburg, PA 17120

Richard Kirschner, Esq.
Jonathan K. Walters, Esq.
1500 Walnut Street
Philadelphia, PA 19102

Michael E. Kunz, Clerk
Philadelphia, PA

IMPORTANT: ALL COUNSEL MUST FILE APPEARANCE FORM WITHIN TEN (10) DAYS FROM RECEIPT OF THIS NOTICE. SEE RULE 9 OF RULES OF THE THIRD CIRCUIT.

FPI-81—7-7-79 3K-2974

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
INDEPENDENCE MALL WEST
601 MARKET STREET
PHILADELPHIA 19106

THOMAS F. QUINN
CLERK

TELEPHONE
215-597-2995

May 21, 1980

Richard Kirschner, Esq.
Kirschner, Walters & Willig
1500 Walnut Street
Phila., Pa. 19102

Re: Nicholas Mazur, appellant
vs.
Commonwealth of Pennsylvania, et al.
No. 80-1474

Dear Mr. Kirschner:

Receipt is acknowledged on May 13, 1980 of 4 copies of motion by appellee, American Federation of State, County and Municipal Employees Union, for extension of time to file brief with certificate of service in the above-entitled case.

By copy of this letter, receipt is acknowledged from Mr. Fisher on May 14, 1980 of 4 copies of motion by appellees, Commonwealth of Pennsylvania, Department of Transportation, Civil Sercice Commission and Governor's Administration Office, to extend time to file brief with certificate of service in the above-entitled case.

By copy of this letter, receipt is acknowledged on May 15, 1980 of 26 copies of appellant's motion to quash appellees' motions for extension of time for filing briefs with certificate of service in the above-entitled case.

Pursuant to the provisions of Rule 11(1) of the Rules of this Court, you may assume that the motions will be considered June 9, 1980 and decided on your papers, and on any response which may be timely received, and that no oral argument will be heard unless you are so notified.

In the event that the Court or a Judge thereof requests oral argument, counsel will be notified as promptly as possible and will be expected to be present at the appointed time.

Very truly yours,

T. F. QUINN, Clerk

APPENDIX "C"

fm

Frank A. Fisher, Jr., Esq.
Asst. Attorney General
Commonwealth of Pennsylvania
Department of Transportation
Transportation and Safety Building
Harrisburg, Pa. 17120

Barbara Raup, Esq.
Asst. Attorney General
Civil Service Commission
Commonwealth of Pennsylvania
P. O. Box 569
Harrisburg, Pa. 17120

Mr. Nicholas Mazur
819 North 21st Street
Allentown, Pa. 18104

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
INDEPENDENCE MALL WEST
601 MARKET STREET
PHILADELPHIA 19106

THOMAS F. QUINN
CLERK

TELEPHONE
215-597-2995

June 23, 1980

Mr. Nicholas Mazur
819 N. 21st Street
Allentown, PA 18104

RE: MAZUR, Appellant v. PA Commonwealth, et al.
C. A. No. 80-1474

Dear Mr. Mazur:

On June 18, 1980 this office received an original and twenty-four (24) copies of your motion for summary judgment. We note that your motion is accompanied by a certificate of service on opposing counsel.

Please be advised that your motion, along with any response received from the appellees, will be presented to a panel of this Court sitting on or about August 4, 1980. You will be advised of the Court's decision in the regular course of our business.

Furthermore, we note that on the second page of your motion, you refer to an appeal to the United States Supreme Court. Please be advised that if you intend to seek review in the United States Supreme Court, you must correspond directly with Michael Rodak, Jr., Clerk of the United States Supreme Court in Washington, D.C.

Finally, you are advised that this office requires only an original and three (3) copies of motions submitted for disposition by the Court unless you are advised otherwise.

Very truly yours,

Thomas F. Quinn, Clerk

TFQ:MDB:EGM:clp
cc: Frank A. Fisher, Jr., Esquire

"APPENDIX "D"

APPEARANCE
(28 U.S.C. § 1654, and Rule 28.)

IN THE SUPREME COURT OF THE UNITED STATES
October Term_____
Case No._____

(U.S.C.O.A. (3rd. Ckt.) Civil Case No. 80-1474.)

NICHOLAS MAZUR,
819 N. 21st Street,
Allentown, Pa. 18104
215-433-1587
APPELLANT AND PETITIONER -Pro se, : Case No._____
(U.S.C.O.A.(3rd.ckt.) Civil Case 80-1474).

vs.

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, CIVIL SERVICE COMMISSION, and; GOVERNOR'sOFFICE OF ADMINISTRATION,
(and)
AMERICAN FEDERATION OF STATE, COUNTY, & MUNICIPAL EMPLOYEES UNION(AFSCME).,

APPELLEES AND DEFENDANTS ;

The Clerk will enter my appearance for the Appellant, Nicholas Mazur, Pro se.

(sign Nicholas Mazur

Type or Print Name: NICHOLAS MAZUR

Law Firm: PRO se

Proof of Service

I, Nicholas Mazur, Petitioner and Appellant, Pro se, hereby, certify that true and correct copies of the foregoing " Notice of Appearance" has been forwarded, this date, by first class, pre-paid mail to Appellees legal counsel and/or representatives.

Signed by:
Nicholas Mazur, Petitioner, Pro se

APPEARANCE
(28 U.S.C. § 1654, and Rule 28.)

IN THE SUPREME COURT OF THE UNITED STATES
October Term_____
Case No._____

(U.S.C.O.A. (3rd. Ckt.) Civil Case No. 80-1474.)

NICHOLAS MAZUR, :
819 N. 21st Street,
Allentown, Pa. 18104 : Case No._____
215-433-1587
APPELLANT AND PETITIONER -Pro se, : (U.S.C.O.A.(3rd.ckt.)
Civil Case 80-1474).

vs. :
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, CIVIL SERVICE COMMISSION, and;
GOVERNOR'sOFFICE OF ADMINISTRATION,
(and) :
AMERICAN FEDERATION OF STATE, COUNTY, & MUN_
ICIPAL EMPLOYEES UNION(AFSCME)., :

APPELLEES AND DEFENDANTS ;

The Clerk will enter my appearance for the Appellant, Nicholas Mazur, Pro se.

(sign Nicholas Mazur

Type or Print Name: NICHOLAS MAZUR

Law Firm: PRO se

Proof of Service

I, Nicholas Mazur, Petitioner and Appellant, Pro se, hereby, certify that true and correct copies of the foregoing " Notice of Appearance" has been forwarded, this date, by first class, pre-paid mail to Appellees legal counsel and/or representatives.

Signed by:
Nicholas Mazur, Petitioner, Pro se

IN THE SUPREME COURT OF THE UNITED STATES
October Term_____
Case No._____
(U.S.C.O.A.,3rd Ckt. Civil Case No. 80-1474)

CERTIFICATE OF SERVICE

I, Nicholas Mazur, Petitioner and Appellant, Pro se, hereby, certify, that true and correct copies of the foregoing "Petition for Writ of Certiorari" has been forwarded, this date, by First Class mail, postage, pre-paid, to:

Frank A. Fisher, Jr.
Assistant Attorney General,
Barbara G. Raup,
Assistant Attorney General,
Richard Thornburgh,
Governor,
Edward G. Biester,
Attorney General,
Ward T. Williams,
Chief Counsel,
Attorneys/representative of:
Respondents and defendants,
Commonwelath of Pennsylvania,
Department of Transportation,
Civil Service Commission,
Governor's Office of Administration
Office of Chief Counsel, T&S .Bldg;
Harrisburg, Pa. 17120.

(and) Richard Kirschner, Esq.
Jonathan K. Walters, Esq.
1500 Walnut Street,
Philadelphia,Pa. 19102
Attorneys for Respondents:
American Federation of State,
County & Municipal Employees
Union(AFSCME).

(and)

T.F. Quinn,Clerk
United States Court of
Appeals for the Third
Circuit, 214000 U.S.
Courthouse, 601 Market
Street, Philadelphia,
Pa.19106

SIGNED BY:

Nicholas Mazur

Nicholas Mazur, Petitioner
Date: June 25

BRUCE M. MOYER, NOTARY PUBLIC
ALLENTOWN, LEHIGH COUNTY
MY COMMISSION EXPIRES NOV. 15, 1982
Member, Pennsylvania Association of Notaries